

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK  
OFFICE (MODIFIED)

ATTORNEY'S DOCKET NUMBER

X-15968

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)

**10/525315**INTERNATIONAL APPLICATION NO.  
**PCT/US2003/025860**INTERNATIONAL FILING DATE  
**12 September 2003 (12.09.2003)**PRIORITY DATE CLAIMED  
**18 September 2002 (18.09.2002)**TITLE OF INVENTION: **HISTAMINE H3 RECEPTOR ANTAGONISTS, PREPARATION AND THERAPEUTIC USES**APPLICANT(S) FOR DO/EO/US: **Lisa Selsam Beavers, Don Richard Finley, Robert Alan Gadski, Philip Arthur Hipkind,  
Cynthia Darshini Jesudason, Richard Todd Pickard, and Freddie Craig Stevens**

Applicant herewith submits to the U.S. Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ A declaration of the inventors 35 U.S.C. 371(c)(4) was provided in the PCT Request Form.
11. ☒ A copy of the International Preliminary Examination Report (IPER), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 12. to 18. below concern document(s) or information included:**

12. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
13. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☐ Assignment has been recorded at reel \_\_\_\_\_, frame \_\_\_\_\_.
15. ☒ A **FIRST** preliminary amendment.
- ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A Sequence Listing, 1.821 Statement, and diskette.
17. ☒ A power of attorney with attachments.
18. ☒ Other items or information:

Please amend the first page of the specification by inserting the following cross-reference after the title:

**"This is the national phase application, under 35 USC 371, for PCT/US2003/025860, filed 12 September 2003, which claims the benefit, under 35 USC 119(e), of US provisional application 60/411,625, filed 18 September 2002."**

PATENT TRADEMARK OFFICE

IN THE UNITED STATES RECEIVING OFFICE (USRO)

Applicants: **Lisa Selsam Beavers**  
**Don Richard Finley**  
**Robert Alan Gadski**  
**Philip Arthur Hipkind**  
**Cynthia Darshini Jesudason**  
**Richard Todd Pickard**  
**Freddie Craig Stevens**

International Application No.: **PCT/US2003/025860**

Filed: **12 September 2003 (12.09.2003)**

Invention: **HISTAMINE H3 RECEPTOR ANTAGONISTS, PREPARATION AND  
THERAPEUTIC USES**

Lilly Reference: **X-15968**

Earliest Priority Date: **18 September 2002 (18.09.2002)**

**Certificate Under 37 C.F.R. § 1.10**

Attention: DO/EO  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

"Express Mail" mailing label number: EL 832954717 US

Date of Deposit: 23 FEB 2005

I hereby certify that the following attached paper or fee

Transmittal Letter to the United States Designated/Elected Office (US) concerning a filing under 35 U.S.C. 371 of the International Application identified above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

QUEEN THOMAS  
(Typed or printed name of person mailing paper)

Queen Thomas  
(Signature of person mailing paper or fee)